

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ALLAN CHADBURN,

Defendant.

Case No. 24-cr-0489 EJD (NC)

DETENTION ORDER

Hearing: 12/4/2024

In accordance with the Bail Reform Act, 18 U.S.C. § 3142, the Court on December 4, 2024, held a detention or release hearing for defendant Eric Allan Chadburn. The Court concluded that Chadburn did not rebut the presumption of detention created by the charge and must be detained due to a risk of danger to the community, as explained further below.

Chadburn is charged by Indictment with distribution of child pornography (18 U.S.C. § 2252(a)(2) and (b)(1)) and possession of child pornography (18 U.S.C. § 2252(a)(4)(B) and (b)(2)). He is presumed innocent of the charges; entered a not guilty plea; and nothing in this order may be construed as evidence of his guilt. Both parties were advised of their right to appeal this decision to the presiding District Judge. Chadburn was advised of his rights and appeared at the hearing with his appointed counsel, FPD Sophia Whiting. The prosecution was reminded of its obligations to victims under the Crime

1 Victims Rights Act and the AUSA, Michael Pitman, stated that no crime victim wished to
2 present any information to the Court in connection with the detention or release decision.

3 The parties and the Court were assisted by a pre-bail report prepared by Pretrial
4 Services. Dkt. No. 11. Pretrial Services recommended release on a combination of
5 conditions, including residential supervision at a halfway house and electronic location
6 monitoring.

7 There is a rebuttable presumption in favor of detention in this case under 18 U.S.C. §
8 3142(e)(3)(E) because the Court finds that (based on the Indictment and government's
9 proffer) there is probable cause that the accused committed an offense involving a minor
10 under section 2252(a)(2). Based on the information presented to the Court and considering
11 all the factors set forth in 18 U.S.C. § 3142(g), the Court determines that Chadburn has not
12 rebutted the presumption of community danger and the prosecution has shown by more than
13 clear and convincing evidence that there is no combination of conditions that will
14 reasonably assure the safety of the community if Chadburn is released. (As to risk of non-
15 appearance, the Court agreed with Pretrial Services and the defense and determined that the
16 risk of non-appearance can be mitigated by a combination of conditions; the accused has
17 family and employment ties in the district; a family member was present in Court and
18 offered as custodian and/or co-signer; the defense proffered continued employment; no
19 failures to appear; the accused was aware of the investigation for more than a year and did
20 not flee; and no international travel reported.) The facts underlying the assessment of
21 danger to the community are Chadburn's criminal history, with a prior federal child
22 pornography possession conviction in this Court and a subsequent felony lewd and
23 lascivious acts with child under age 14 conviction in state court, and mental health history
24 with a more than 6-year term of residential mental health treatment confinement. The
25 nature and weight of the evidence on the present charge is extremely serious, involving
26 crimes alleged of possession and distribution of pornography showing children under age 3.
27 Defendant is a registered sex offender and according to PTS has used two aliases/variations
28 of his own name.

1 The defendant Chadburn is committed to the custody of the Attorney General or his
2 designated representative for confinement in a corrections facility separate, to the extent
3 practicable, from persons awaiting or serving sentences or being held in custody pending
4 appeal. The defendant must be afforded a reasonable opportunity for private consultation
5 with defense counsel. On order of a court of the United States or on the request of an
6 attorney for the Government, the person in charge of the corrections facility must deliver
7 the defendant to a United States Marshal for the purpose of an appearance in connection
8 with a court proceeding.

9 IT IS SO ORDERED.

10 Date: December 4, 2024


Nathanael M. Cousins
United States Magistrate Judge